



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

REPRESENTATIVE GAIL LAVIELLE
ONE HUNDRED FORTY-THIRD ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING, ROOM 4200
300 CAPITOL AVENUE
HARTFORD, CT 06106-1591

CAPITOL: (860) 240-8700
TOLL FREE: (800) 842-1423
Gail.Lavielle@housegop.ct.gov

RANKING MEMBER
COMMERCE COMMITTEE

MEMBER
APPROPRIATIONS COMMITTEE
EDUCATION COMMITTEE
HIGHER EDUCATION AND EMPLOYMENT
ADVANCEMENT COMMITTEE

Testimony

H.J. No. 63: Resolution Proposing an Amendment to the State Constitution Limiting the Use of Moneys Contained in the Special Transportation Fund

Transportation Committee

March 8, 2013

Good morning, Chairmen Maynard and Guerrero, Ranking Members Boucher and Scribner, and former fellow members of the Transportation Committee. Thank you for this opportunity to testify on this extraordinary resolution.

During this legislative session, I have testified three times before this Committee, and each time, one of the principles that I emphasized was the necessity to ensure that our transportation revenues are used for transportation purposes by creating a "lockbox" in the Special Transportation Fund. I also argued that we must guarantee that transportation revenues will not be diverted to other purposes before we seek any additional revenues. *(I refer the Committee to my testimony on HB 5128, HB 5301, HB 5320, and HB 5125, among others).*

As many of you have acknowledged, the transportation-related revenues we raise from mass transit fares and gasoline taxes have never been safe from plunder for other purposes.

I am grateful to the Committee for introducing HJ 63, which I take as an indication of how seriously you view the precarious state of our transportation funding and your determination to address it by responsibly managing the revenues the state already collects.

My enthusiastic response is: "Just do it".....with a caveat.

A constitutional amendment carries substantial weight. But because of the difficulty and potential duration of the process and the related risks, I would respectfully suggest that the Committee not undertake it without also attempting to accompany it with a statutory change.

To amend the constitution, a resolution proposed by a legislator or a committee must be approved by at least three-fourths of the membership of each chamber of the General Assembly. If that happens, the resolution appears on the ballot in the next general election. If a majority of voters approve it, it immediately becomes an amendment to the Constitution. If, however, it passes by a majority but with less than three-fourths voting in favor in either or both of the chambers, it is referred to the General Assembly for another vote in the next session. If it is once again approved by a majority in both chambers, it appears on the ballot in the following general election, when it must be approved by a majority of voters. If that happens, as before, it becomes effective immediately.

The process is cumbersome, and there are many stages along the way where it can stall or fail.

We also have a recent example of a constitutional amendment that was approved by the voters and has never had the force of law.

In 1992, an amendment imposing a constitutional spending cap was approved by more than 80% of Connecticut's voters. This was a Presidential election year, so those who voted in favor of the proposed amendment genuinely represented a substantial portion of the population. All that remained for the amendment to become effective was for the General Assembly to define the terms of the spending cap. But despite the public's overwhelming mandate, this has never happened, and more than 20 years have passed. I have, as have many other legislators over the years, proposed several bills requiring the General Assembly to take action on implementing the cap by defining the terms. None of those bills has passed. The result: even though voters overwhelmingly approved the constitutional amendment, we have no constitutional spending cap.

Our transportation funding needs are consequential and urgent.

My concern is that if the Committee approves only this resolution, we may not have a lockbox for transportation revenues until the end of 2014, or we may never have one at all. If, however, the Committee were to approve a bill requiring a statutory change, and if it were to pass by a simple majority in both chambers during this session, it would become effective immediately. It would still be possible at the same time to begin the process of amending the constitution by passing this resolution. This would send a clear signal about the seriousness of dedicating the state's transportation revenues to meeting its urgent transportation needs.

So while I fully support H.J. 63, I respectfully urge the Committee at the same time also to pass a bill requiring a change in statute to protect transportation revenues from diversion.